

**RULES/AGENCY RULES COMMITTEE**

Meeting Report  
June 22, 2005

**PRESENT:** Chair Chavez, Members Chirco and Williams  
Member Yeager attended as an alternative member.

**ABSENT:** Nora Campos (excused)

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, Council Agenda Manager for the Mayor's Office Jennifer Carlino, Assistant to the City Manager Deanna Santana, Sr. Executive Analyst Nadine Nader and Redevelopment Agency Liaison Gary Miskimon

Chair Chavez called the meeting to order at 2:05 p.m.

**A. Redevelopment Agency**

**1. Review of the July 5, 2005 Draft Agenda**  
DROP – LEGISLATIVE RECESS

**2. Add New Items to June 28, 2005 Agenda**  
The Committee recommended the following additions to the June 28, 2005 Redevelopment Agency agenda:

- **Redevelopment Board Requests**  
There were none.
- **Executive Director Requests**
  - a. Award of a contract for the Downtown Transit Mall Lighting Project. [DROP]
  - b. Approval of an OPA for the rehabilitation of the Wright-Curtner Building at 439 South First Street. [MARKET-GATEWAY SNI]
  - c. Authorization for the Executive Director to amend certain parking agreements for Grand Prix weekend events. [MERGED]

- d. Approval for an amended agreement with the San Jose Downtown Association for a seasonal ice-skating rink in the Circle of Palms. [SAN ANTONIO PLAZA]
- e. Approval for an addition of \$120,376 to the FY 2005-2006 Adopted Capital Budget project line Merged Area, Small Business Administration Lease and amending the FY 2005-2006 Agency appropriations resolution, as detailed on Attachment A.
- f. Award of contract for the Downtown Transit Mall Lighting Project. [SNI]

- **RDA Counsel Requests**

There were none.

**3. Staff Reports Outstanding**

Documents Filed: Report from the Redevelopment Agency Liaison Gary Miskimon dated June 22, 2005, listing three (3) staff reports outstanding for the June 28, 2005 City Council Meeting.

Discussion/Action: The Committee noted and filed the Redevelopment Agency Liaison's Report.

**B. City Council**

**1. Review of the July 5, 2005 Draft Agenda**

DROP – LEGISLATIVE RECESS

**2. Add New Items to the June 28, 2005 Agenda**

The Committee recommended the following additions to the June 28, 2005 City Council Agenda:

**Mayor and Councilmember Requests**

- a. Recommendations from the Small Business Development Commission for Steps to Take to Improve Disadvantaged Business Enterprise participation for Federally Funded City Contracts. (Reed)

The Committee recommended that this item be placed on the August 16, 2005 City Council Agenda with direction to the Administration to determine if this issue should be placed on a Driving Strong Economy Committee agenda prior to reviewed at the Committee level prior to a full City Council agenda.

- b. Authorization for an Independent Investigation into Issues Associated with the Norcal Garbage Contract and Contract Amendment as

Discussed in the Civil Grand Jury Report.

The Committee recommended to:

1. Direct staff to prepare and submit to the City Council within sixty (60) days a full response regarding the Santa Clara County Civil Grand Jury Report on the City's contract amendment with Norcal.
2. Direct the City Auditor to select and retain a qualified independent investigator to begin immediately a review of issues associated with the Norcal garbage contract and contract amendment, as discussed in the Santa Clara County Civil Grand Jury Report. The Auditor shall obtain from a retired judge a list of qualified independent investigators and/or contact the Association of Judicial Arbitrations Mediations (JAMS) and the local Bar Association.
3. The Auditor is further directed to complete a thorough conflict analysis to ensure independence and impartiality.
4. Authorize the City Auditor to negotiate and execute a contract with the independent investigator in an amount not to exceed \$100,000.
5. The scope of the independent investigation would include the review of the material and findings of the Grand Jury to determine if the Mayor, Mayor's staff, or other city employees violated the City Charter, Municipal Code, city policies related to ethics of independent judgment, or other law. This scope is consistent with the Grand Jury's Recommendation #1. Additionally, include and incorporate into the scope additional concerns from the Council discussion. The final scope shall be determined by the investigator.
6. Request that the investigator return with a full report to the entire Council, within sixty (60) days. Included in the final report should be recommended next steps, as appropriate. If the investigation is not complete within sixty (60) days, request that the investigator report back on the status to the full Council.
7. Designate the Assistant City Attorney and the City Clerk as the investigator's City contacts for any and all necessary support and/or assistance as it relates to access to records and/or other information needed by the investigator to conduct the investigation.
8. Urge the Council and key members of staff to provide to the Auditor individual availability for the month of July to respond to the investigator for questions.

- c. Presentation of a commendation to Kevin R. Hauge from the Children's Musical Theatre for guiding the Theatre in its effort to become the best in its field. (LeZotte)
- d. Presentation of a commendation to Hilda Carpenter in recognition of her achievements as an Adult Volunteer at the South Valley YMCA. (Pyle)
- e. Approval of Council Member LeZotte's travel to Ontario, California, to attend the League of California Cities, Transportation, Communication and Public Works Committee, on June 24, 2005. (LeZotte)
- f. Approval of the transfer of monies from the District Five Special Events Account to cover the costs of the Dr. Cruz Library Opening Day Celebration. (Campos)

**City Manager Requests**

- a. Public Hearing and adoption of a resolution on the reorganization of territory designated as McKee No. 127 which involves the annexation to the City of San José of 4.79 gross acres of land, located at the north side of McKee Road approximately 380 feet easterly of Toyon Avenue and the detachment of the same from the approximately special districts including Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation Districts 2-3. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)

The Committee recommended that this item not be deferred to the August 16, 2005 City Council meeting as directed by the City Council on June 21, 2005, because the delay would present a hardship to the applicants. The matter was re-scheduled for June 28, 2005.

- b. Approval to apply for a grant for the lease of compressed natural gas shuttle buses at the Airport. (Airport)
- c. Approval of fiscal actions for Redevelopment Agency Capital Projects. (City Manager's Office)
- d. Approval of actions related to the San José Grand Prix. (City Manager's Office)
- e. Approval to reject all proposals for various Business Services. (Finance)

- f. Approval to amend an agreement for affordable housing project development services. (Housing)
- g. Approval to apply for the San José Weed and Seed. (Police)
- h. Approval of actions related to the LeFevre Residence and Barn Renovation Project. (Public Works/Parks, Recreation and Neighborhood Services)
- i. Approval of actions related to the Police Southside Substation. (Public Works/Police)
- j. Approval of Fiscal Year 2005-2006 Cooperation Agreements (City Manager/Redevelopment Agency)

**City Attorney Requests**

- a. Approval of an ordinance prohibiting the maintenance of graffiti on real a personal property. (City Attorney)
- b. Adoption of a resolution to revise the salary ranges for Unit 99 classifications in the City Attorney's Office effective July 1, 2005. (City Attorney)

**City Clerk Requests**

There were none.

**Staff Reports Outstanding**

Documents Filed: Report from the City Manager's Office dated June 21, 2005, listing twelve (12) staff reports outstanding for the June 28, 2005 City Council Meeting.

Discussion/Action: The Committee noted and filed the City Manager's Report.

**C. Legislative Update**

**1. State**

- a. Documents Filed: Memorandum from Betsy Shotwell, Director, Intergovernmental Relations, dated June 20, 2005, regarding the Acceptance of the June 17, 2005 State Legislative Bill Matrix.

Discussion/Action: The Committee accepted the report.

- b. Documents Filed: Memorandum from Betsy Shotwell, Director, Intergovernmental Relations, dated June 15, 2005, regarding SB 435 (Hollingsworth), Regarding Density Bonus Law.

Discussion/Action: The Committee recommended that the City Council take an oppose position on SB 435.

**2. Federal**

- a. Documents Filed: Memorandum from Leslye Corsiglia, Director of Housing, dated June 15, 2005, regarding Federal Legislation to Provide Funding to End Chronic Homelessness.

Discussion/Action: The Committee recommended that the City Council support federal legislation, HR 1471 (Pryce/Eshoo) and S 709 (DeWine) – known as the “Services to End Long-Term Homelessness Act.”

- b. Documents Filed: Memorandum from Betsy Shotwell, Director, Intergovernmental Relations, dated June 21, 2005, regarding an Update on San José Federal Relations Activities.

Discussion/Action: The Committee accepted the report.

**3. State and Federal**

- a. Documents Filed: Memorandum from Leslye Corsiglia, Director of Housing, dated June 15, 2005, regarding State and Federal Legislation Related to Predatory Mortgage Lending.

Discussion/Action: The Committee recommended that the City Council support AB 901 and HR 1182 and oppose HR 1295.

**D. Meeting Schedules**

**1. Rules-In-Lieu Schedule**

Documents Filed: Memorandum from City Clerk Lee Price, dated June 16, 2005, requesting a Rules-In-Lieu schedule for the City Council Summer Recess.

Discussion/Action: The Committee recommended canceling all Rules Committee meetings during the month of July 2005 and to schedule a Rules-In-Lieu Meeting on August 3, 2005 at 11:30 a.m. in the Office of the City Clerk.

**E. Public Record**

Documents Filed: Memorandum from the City Clerk dated June 16, 2005, transmitting items filed for the Public Records for the periods June 8 - 14, 2005.

Discussion/Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

There were none.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Rules Committee Work Plan**

Documents Filed: Memorandum from Mayor Ron Gonzales and Vice Mayor Cindy Chavez, dated June 21, 2005, regarding the Rules Committee Work Plan.

Discussion/Action: The Committee recommended approval of the Rules Committee Work Plan for the period August through December 2005 and setting it's meeting schedule each Wednesday of the month at 2:00 p.m. in the new City Hall Committee Room.

**H. Oral Communications**

There were none.

**I. Adjournment**

The meeting adjourned at 3:05 p.m.

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Cindy Chavez, Chair  
Rules/Agency Rules Committee